

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

_____	)	
J. KENNETH KEARNEY USA LTD.,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	NO. 04 CV 12643 RCL
	)	
DAVID SMITH	)	
	)	
Defendant.	)	
_____	)	

**JOINT MOTION TO STAY PROCEEDINGS**

The parties to the above-captioned matter, Plaintiff J. Kenneth Kearney USA Ltd. and David Smith, hereby collectively move this court for a brief sixty (60) day stay of this action from June 14, 2005 until August 14, 2005. As grounds for this Motion, the parties state as follows:

1. On June 14, 2005, the parties entered into an interim settlement agreement which provides that the parties agree to conduct further good faith settlement negotiations in an attempt to resolve the dispute that is the subject of this litigation. Thus, the requested stay is necessary to in order to give the parties additional time to conduct settlement negotiations. This short stay will not prejudice any party and is intended to conserve judicial and the parties' resources while the settlement discussions are ongoing.

WHEREFORE, the parties respectfully request that this court allow the Joint Motion to Stay the Proceedings for sixty (60) days, until August 14, 2005.

Respectfully submitted,

<p>DAVID SMITH, By his attorneys,</p> <p><u>/s/ Windy L. Rosebush (w/ permission)</u> Timothy P. Van Dyck tvandyck@EdwardsAngell.com Windy L. Rosebush wrosebush@EdwardsAngell.com Edwards &amp; Angell, LLP 101 Federal Street Boston, MA 02110 (617) 439-4444</p>	<p>J. KENNETH KEARNEY USA LTD. By its attorneys,</p> <p><u>/s/ Kristin M. Cataldo</u> William A. Zucker, BBO # 541240 wzucker@ghlaw.com Kristin M. Cataldo, BBO # 654033 kcataldo@ghlaw.com Gadsby Hannah LLP 225 Franklin Street Boston, MA 02110 (617) 345-7000</p>
---	---

June 20, 2005

**Certificate of Service**

I hereby certify that on June 20, 2005 I served a true and accurate copy of Joint Motion to Stay Proceedings upon all counsel of record electronically.

Dated: June 20, 2005

/s/ Kristin M. Cataldo  
Kristin M. Cataldo